

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Andrea Brooks,
Plaintiff

v.

New Hampshire Family Court, 9th Circuit
and William Albert D'Errico, Jr.,
Defendants

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* Civil No. 17-cv-40049-TSH

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**NEW HAMPSHIRE FAMILY COURT, 9TH CIRCUIT/
JUDGE MICHAEL RYAN'S MOTION TO DISMISS**

Pursuant to Rules 12(b)(1), 12(b)(2), 12(b)(5), and 12(b)(6) of the Federal Rules of Civil Procedure, defendant New Hampshire Family Court, 9th Circuit/Judge Michael J. Ryan (the “judicial defendants”) hereby move to dismiss the complaint against them in this action in their entirety on the grounds that, as fully set forth in the accompanying memorandum of law, (1) this action is subject to abstention under Younger v. Harris, 401 U.S. 37 (1971), (2) the plaintiff’s claims against the judicial defendants are barred by either Eleventh Amendment immunity or judicial immunity, (3) this court lacks personal jurisdiction over the judicial defendants, (4) the judicial defendants have not been properly served, and (5) the complaint fails to state a claim against the judicial defendants upon which relief can be granted.

WHEREFORE, the judicial defendants respectfully request that this honorable court:

- A. Dismiss the complaint against the judicial defendants in its entirety; and
- B. Grant them such other and further relief as is just and proper.

Respectfully submitted,

NEW HAMPSHIRE FAMILY COURT, 9TH
CIRCUIT/JUDGE MICHAEL J. RYAN

By their attorney,

GORDON J. MACDONALD
ATTORNEY GENERAL

May 23, 2017

/s/ Kenneth A. Sansone

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed this 23rd day of May 2017, postage prepaid, to:

Andrea Brooks
96 Old County Road
Winchendon, Massachusetts 01475

/s/ Kenneth A. Sansone

Kenneth A. Sansone
BBO No. 647457